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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,942

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Roger Prieur

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YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

EXAMINER

TANG, JEFF

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,942	Applicant(s) PRIEUR, ROGER	
	Examiner Jeff Tang	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/8/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the amendment filed 5/12/2008 which was in response to the first non-final rejection dated 2/12/2008.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kristensson (US 4,004,836) in view of Sirjoo (US 2005/0023875 A1).**

Kristensson discloses a seat comprising a seat portion and a back rest portion, hinged to one another about an axis of rotation, said hinging being achieved in the form of a pair of means located on either side of the seat about a plane of symmetry passing through the back rest and the seat portion (11), each of said means comprising, on the one hand, a first element (10) forming a back rest rotation support, through which said axis of rotation passes and one end of which is integral with said backrest, and on the other hand, a second element (12), where in the said second element is a part which is separate from the seat portion, integral with said first element via said axis of rotation

which passes through said second element near one of its ends, and a first extendable/retractable member being fastened on the one hand, to the end of said first element opposite the end which is integral with the back rest and on the other hand, to the end of said second element which is opposite the axis of rotation (17). Kristensson does not disclose the second element mounted so as to be able to slide on a part integral with the seat portion and immobilizable in a desired position with respect to this same part. However, Sirjoo discloses a slide (12) that can position the seat to an immobilizable position with the position stops (36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kristensson's invention to include a slide as taught by Sirjoo. The motivation would be to adjust the depth of the seat back.

Regarding claims 12 and 13, Kristensson discloses the extendable/retractable member being a gas spring (Column 2, line 23) and the point of fastening and first extendable/retractable member to the back rest rotation support is adjustable along the support (19).

Regarding claim 14, the combination of Kristensson and Sirjoo discloses a seating portion sliding support comprising a stop limiting the pivoting of the back rest with respect to the seat portion (36, Sirjoo).

4. Claims 15, 16, 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kristensson (US 4,004,836) and Sirjoo (US 2005/0023875 A1) as applied to claim 11 above, and further in view of Brotherston (US 5,868,461).

Kristensson discloses the chair as set forth above, but does not disclose a seat portion support, wherein the seat portion support has a point of fastening for one of the ends of a second extendable/retractable member whose other end is fastened to the seat portion. However, Brotherston discloses a reclining chair that has a seat support (16a,b, Fig. 2) with an extendable/retractable member (52a,b, Fig.2) that is connected to the seat portion (14, Fig.2). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to modify Kristensson's invention to include a second seat portion support member to as taught by Brotherston. The motivation for doing so would be to allow and restrict movement of the seat relative to a seating support.

Regarding claim 16, the combination of Kristensson and Brotherston disclose first and second extendable/retractable members that function independently of one another.

Regarding claims 19 and 21, Brotherston discloses extendable/retractable members by using "electrically powered mechanisms" (Column 1, lines 45-52).

4. **Claims 17, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kristensson (US 4,004,836), Sirjoo (US 2005/0023875 A1) and Brotherston (US 5,868,461) as applied to claim 11 above, and further in view of Marin-Martinod et al. (US 6,441,576 B1).** Kristensson discloses the seat as set forth and Brotherston discloses a leg rest, but it does not have a point of fastening for one of the ends of the third extendable/retractable member to be on the seat portion. However, Marin-Martinod et al. discloses a seat with leg rest (20) that has an actuator (24) connected to the seat portion (Fig. 1). Therefore, it would have been obvious to one of

ordinary skill in the art at the time of invention to modify Kristensson's invention to include a third extendable/retractable member connected to the seat portion as taught by Marin-Martinod et al. The motivation for doing so would be to allow and restrict the movement of the leg rest.

Regarding claims 18 and 21, the combination of Kristensson, Sirjoo, Brotherston, and Marin Martinod et al. discloses a seat portion support having a point of fastening for one of the ends of a second extendable/retractable member whose other end is fastened to said seat portion, the first and second extendable/retractable members functioning independently of one another; a leg rest, said leg rest having a point of fastening for one of the ends of a third extendable/retractable member whose other end is fastened to said seat portion, wherein the first, second and third extendable/retractable members function independently of one another. Also, Brotherston discloses extendable/retractable members by using "electrically powered mechanisms" (Column 1, lines 45-52).

Response to Arguments

5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

6. Applicant's arguments filed that Sirjoo does not move relative to the backrest so as to adjust the distance between the backrest and the seat edge under the user's

knees have been fully considered but they are not persuasive. Sirjoo's invention discloses that the seat back being able to move along the slide to an angle greater than 90 degrees. This feature does in fact allow the user to adjust oneself to accommodate between the distance between the seat edge and the user's knee. This also depends on the size of the user as well.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Tang whose telephone number is (571) 270-5223. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone

Art Unit: 3634

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Primary Examiner, Art Unit 3634

/J. T./
Examiner, Art Unit 3634